

Weber Declaration

Exhibit 13

Part 3

About controlled digital lending

- Legal considerations
 - Legal basis for use
 - Risk of litigation
 - Risk of losing a lawsuit
- How to assess these risks?
 - <https://controlddigitallending.org/>
 - FAQ on Myths and Realities of CDL
 - White Paper on CDL: <http://bit.ly/FUW2019Hansen>

Controlled Digital Lending is not new!

- Origins: *Michelle Wu, "Building a Collaborative Digital Collection: A Necessary Evolution in Libraries"*
- Internet Archive created the "**Open Library: Digital Lending Library**" CDL-like system – running for the past **8 years**.

Controlled Digital Lending in use....

- Now 16+ libraries have harnessed a CDL system to loan their digital copies of books.
 - Boston Public Library
 - Allen County Public Library (genealogical collection)
 - Georgetown Law Library
 - MIT Press (selected back catalog)
 - Houghton Mifflin Harcourt (entire back catalog)
 - And more....

90

Other Controlled Digital Lendings?

- A new report from the British Library, commissioned by Arts Council England and the Carnegie UK Trust, has suggested a program called *Unified Digital Lending*
 - a single, publicly-run service devoted to the free digital 'lending' of books and other copyright content that would otherwise only be available on a commercial basis

For CDL, Libraries Should

- (1) ensure that original works are acquired lawfully;
- (2) apply CDL only to works that are owned and not licensed;
- (3) limit the total number of copies in any format in circulation at any time to the number of physical copies the library lawfully owns (maintain an “owned to loaned” ratio);
- (4) lend each digital version only to a single user at a time just as a physical copy would be loaned;
- (5) limit the time period for each lend to one that is analogous to physical lending; and
- (6) use digital rights management to prevent wholesale copying and redistribution.



**Sell your unloved songs
and MAKE MONEY today**

- earn \$0.32 in value for
each song you sell!

Start Selling Now >

Follow the ReDigi Music Revolution:   **Sell Music**

Capitol Records, LLC v. ReDigi Inc.,

910 F.3d 649 (2d Cir. 2018)

- Easily distinguishable
 - Commercial
 - No control
 - No ownership
- Helpful provision
 - Transformative use



Lobbying for Fun and Nonprofit

John Bergmayer
Legal Director



Public Knowledge

shoe-leather advocacy

This summer, more than a dozen librarians and library advocates came to DC and spent the day talking to offices in the House and Senate, explaining how CDL benefits their constituencies.



IA in DC

Brewster and IA staff also flew in for in-person visits.

Later this month, there will be a closed (staff only) DC briefing on CDL and the availability of information online with IA, Wikimedia, Public Knowledge, and academics.



why in-person advocacy, aka “lobbying” is important

Lobbying is not just schmoozing - it's a tool and you need a strategy.

Important for a variety of reasons - (intelligence gathering, feeding coalitions information, putting organization in position to be more effective in future, burnishing reputation, allows you to have more sophisticated tools in your advocacy toolkit).

In-person (or phone) meetings are more effective than email, letters, and petitions. Most of which no one really reads, sorry.

DC-based organizations and people like me do a lot, but we can't provide the context, the stories, or the first-hand credibility.

making CDL matter to politicians

The key is to show how CDL benefits the kinds of things politicians care about, and that actually matter to their constituencies.

Get people to do the right thing for their reasons, not your reasons.

(And show how your issue affects voters.)

- Providing access to rural patrons who find it challenging to physically check out a book;
- Protecting materials from damage in natural disasters from fire to floods;
- Saving the cost of transporting books to other branches to be loaned;
- Allowing access to rare, fragile books or those out of print and not in circulation;
- Preserving vulnerable cultural heritage materials for indigenous people;
- Supplementing materials at K-12 and university libraries that are suffering budget cuts;
- Providing historical context and fighting misinformation online; and
- Increasing access for people with disabilities, the elderly and students in off hours.

it is fun and anyone can do it

You are there to talk about things that you know about. You are the expert.
There's no reason to be nervous when you're in your comfort zone!

But make sure you:

Are well prepared on substance and process (and realistic about what you don't know)


Are realistic about what you can achieve

Are respectful of others' time and opinions

Listen carefully

Willing to play the long game and build a relationship that may not have have tangible benefits immediately, but can yield successful results over the long term

prepare

like this 

(real example from IA hill walk prep)

G.K. Butterfield (D-NC)
Staffer: Kyle Parker, Senior Legislative Assistant
Meeting time and location: 3:30 PM, 2080 Rayburn

Member background and priorities
Born and raised in North Carolina, Congressman Butterfield worked as a civil rights attorney and advocate and as a judge before being elected to Congress. He is also a United States Army veteran, and he serves on the Board of Trustees of Gallaudet University, the world's premier university for the deaf and hard-of-hearing. Congressional agenda includes:

- Serves on the House Energy & Commerce Committee
 - Subcommittee on Health
 - Subcommittee on Science & Technology
- Rural broadband & rural development
- Access to healthcare

Staffer notes
First meeting:
Experience:

- Senior Legislative Assistant, Office of Congressman G.K. Butterfield
- Special Assistant, Office of Congressman G.K. Butterfield
 - Organized an annual summit of business leaders on economic development in North Carolina
- Consular Intern, U.S. Department of State

Education

- University of Pittsburgh, Master of Public & International Affairs
- University of South Carolina, Political Science
- University of Guadalajara, Spanish Language & Literature

Suggested talking points

- Connectivity & accessibility
- Accessibility for:
 - Veterans
 - Rural populations
 - People w/disabilities

Understanding the policies you want adopted/not adopted - being able to make the case for/against them

Understanding the process, calendar, logistics of policymaking. Inaction & delay is the default

Gathering, acting on, and dispensing intelligence - what are policymakers thinking, who are they talking to, what do they find persuasive, how do they make decisions

Know what you want to accomplish (or what you want to stop from being accomplished) - best case scenario

Know what is a realistic outcome that you would be willing to accept

Who your allies are - policymakers as well as civil society, industry, academics, etc. - and how to best deploy them

Who you're trying to influence - who are they, what they're likely to know, what do they care about, who do they listen to?

Who your champions are – who will go to the mat for your position, who will stand in front of the train? Key is to find them allies, bolster them

Understand the process and calendar & how it can work for or against you



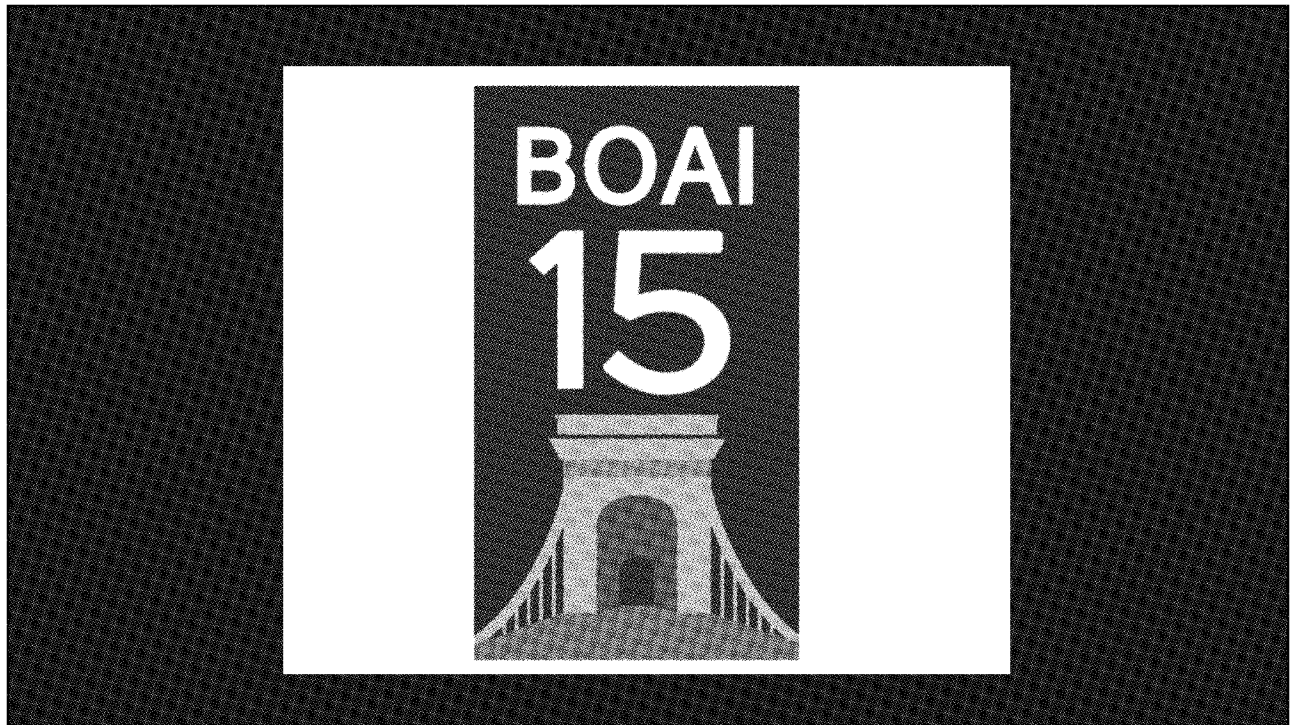
- Say who you are, your organization
- Connection to district
- Don't be afraid of small talk
- Dress at the same level as the people you're meeting (depends on whether Congress is in session or not, usually)
- Brief overview of your issue
- What are you asking for?
- Tailor your message
- You want it two-way—don't do all the talking.
- Ask questions and take notes
- Be friendly and collegial
- Try to have a leave-behind. But more is not better
- Send an email the next day saying thanks and attaching any extra promised materials

Getting to “Open.”

Heather Joseph
Executive Director, SPARC



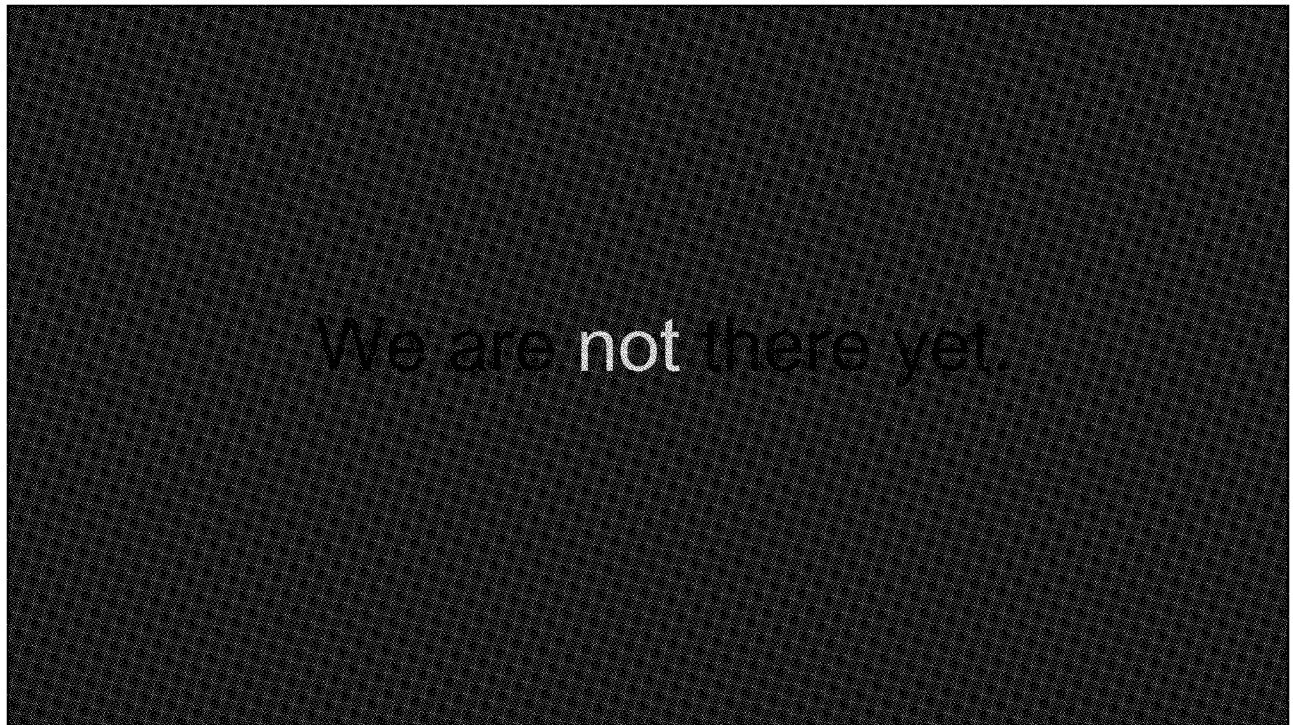
“An old tradition and a new technology have converged to make possible an unprecedented public good...”





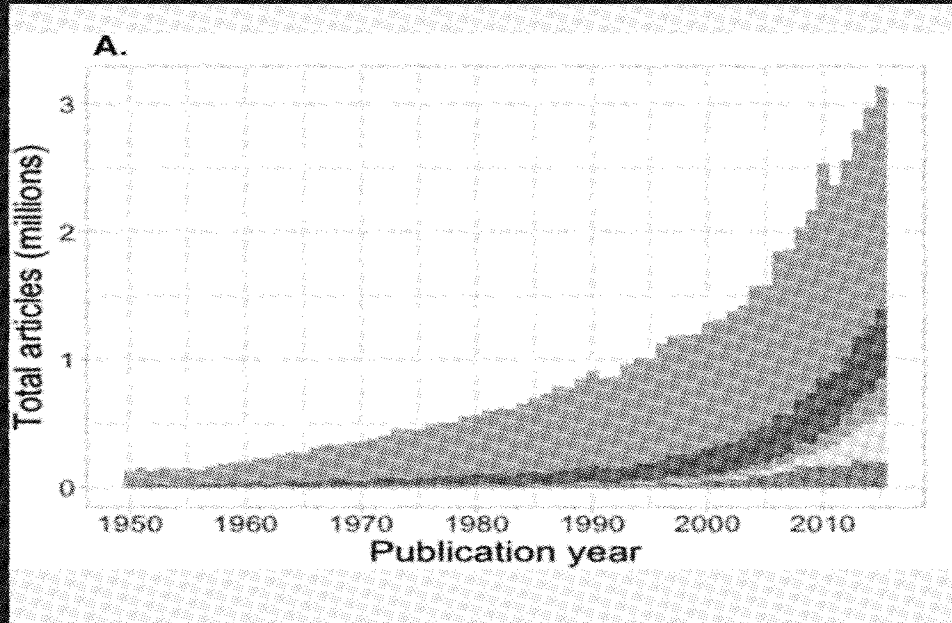
Open Access is not the end goal.
It is an **enabling strategy.**

"This will accelerate research, enrich education, share the learning of the rich with the poor and the poor with the rich, make this literature as useful as it can be, and lay the foundation for uniting humanity in a common intellectual conversation and quest for knowledge."





Because we are not there yet. We're still pretty far away from fully realizing this vision.



Science
Political science

How to safeguard science in an era of fake news

A new report by the House of Commons science and technology committee calls for a rethink of the relationship between scientists, media and the public

667 12

Stephen Metcalfe
Stephen Metcalfe MP is chairman of the House of Commons Science and Technology Select Committee

Thursday 30 March 2017
10:59 EDT




The research vessel Boaty McBoatface, which will shortly head to the Antarctic for its first mission. In its report, the House of Commons science and technology committee found that while the competition to name an arctic polar ship created a social media storm, it also increased public engagement with science.
Photograph: National Oceanography Centre Handout/EPA

- Now more than ever. In an era of fake new, alternative fakes, post truth – immediate access to high-quality vetter, source material is crucial...not only for scholars and scientists, but for everyone... (B's wikipedia links)

Bloomberg View ▾ How Science Sorts Fact From Alternative Fact

f t Q




NOT A SOURCES PAGE. PHOTOGRAPH BY NASA/PIRETTY IMAGE

SCIENCE

How Science Sorts Fact From Alternative Fact

By Faye Ham

You have the facts; now share them, reads an advertisement urging me to buy a gift subscription to Scientific American. Perhaps we're seeing a backlash against Kellyanne Conway's infamous "alternative facts," or a response to fears that the U.S. has entered a post-truth era. One way or another, facts have become a hotter

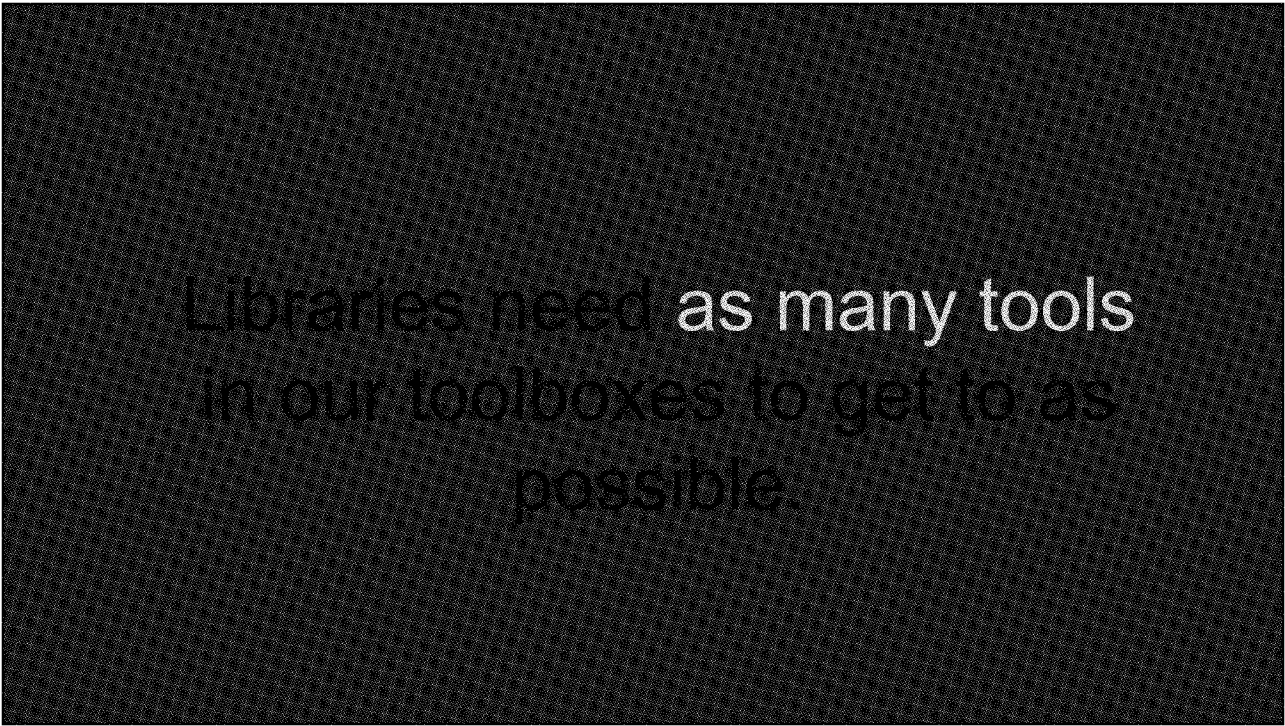


Faye Ham is a Bloomberg View columnist. She was a staff writer for Science magazine and a columnist for the *Philosophy* magazine, and she is the author of "The Science: How the Quest for Sex Has Shaped the Modern Man."

Read more

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MOST POPULAR



Libraries need as many tools
in our toolboxes to get to as
possible.

Controlled Digital Lending is a
pragmatic, incremental step
towards Open.



- But you don't always need to break down doors or smash locks to make progress. CDL is also a quiet and powerful little tool that lets libraries do something that might feel rebellious: SIMPLY ASSUME that they can kPerform a function in the online environment that they routinely perform in the physical print environment, in order to ensure that that knowledge can be equitably shared. And in doing so it can help make sure that another chunk is taken out of the percentage of material of that's currently completely inaccessible to the public.

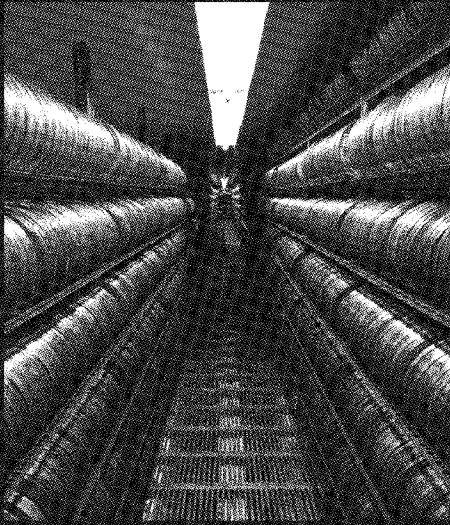


- At SPARC, we've been at the fight for full OA a looong time. And we've seen enough to know that when you have the chance to make even incremental progress, you take it. And then you look for the next chance. CDL is a important tool in the library communities toolbox in the collective movement to towards open knowledge. I'm a fn.

Samuelson Clinic

Michael Kostukovsky
Student Advocate

The SIM Collection



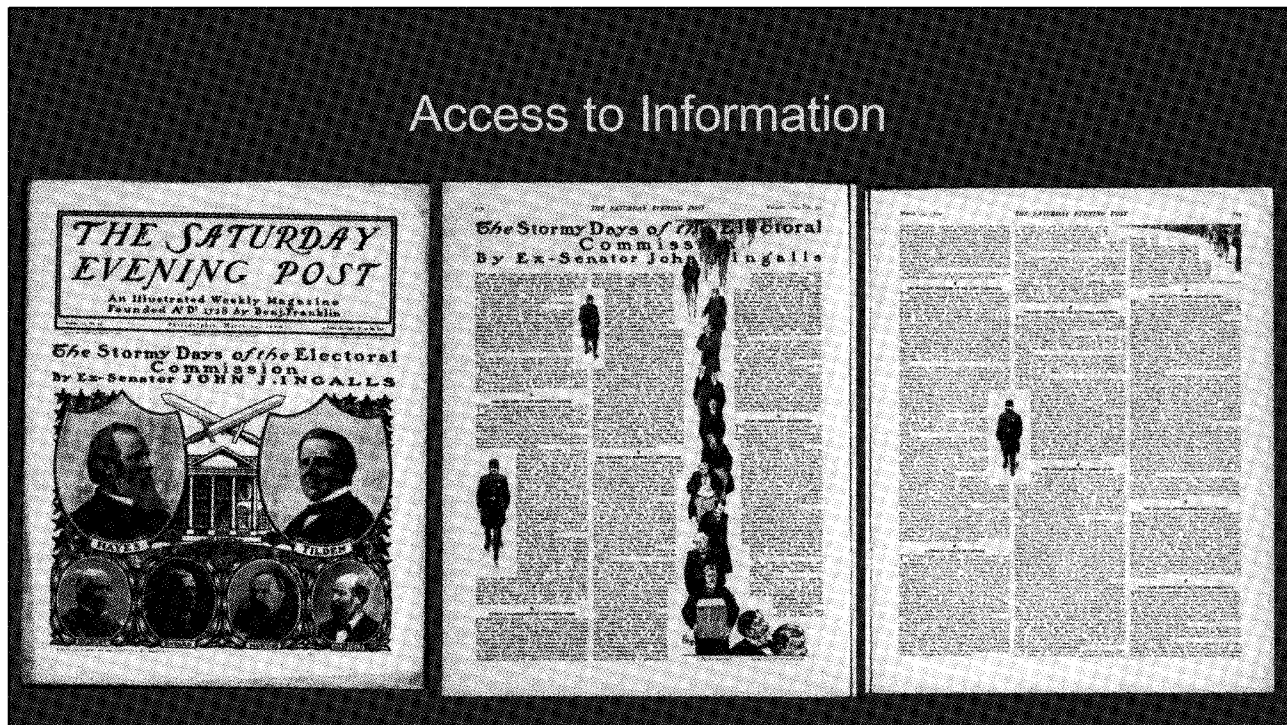
Preservation

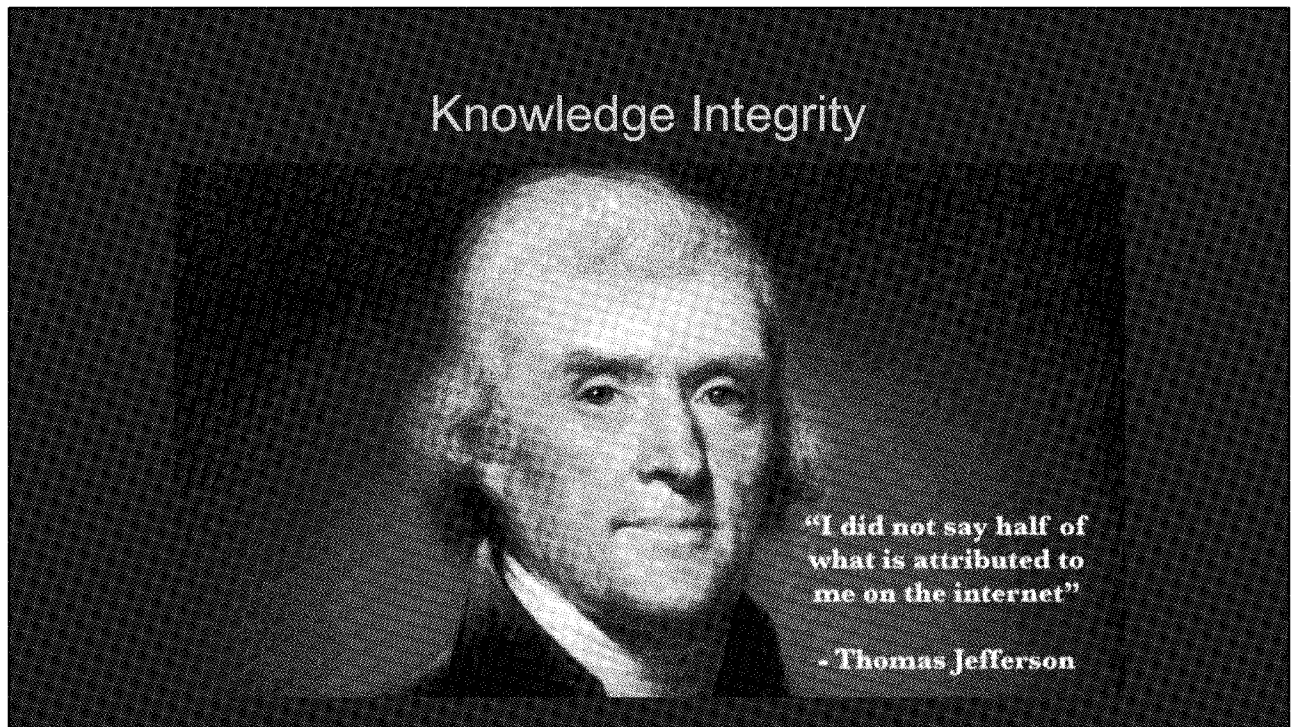
The image presents a side-by-side comparison of two documents, both titled "Preservation".

The left document is a historical newspaper page, likely from the early 20th century. It features a central portrait of a man in a suit and bow tie. To the right of the portrait is a large, ornate clock face with the word "TIME" prominently displayed. The page is filled with various articles, advertisements, and small illustrations, including a pocket watch and a small clock.

The right document is a modern Rolex advertisement. It features a large, high-contrast image of a Rolex watch with a dark dial and a metal bracelet. Above the watch, the text "Pure Performance" and "Absolute Precision" is displayed. Below the watch, the Rolex logo and the text "La Swiss" are visible. The overall aesthetic is sleek and professional.

Access to Information





Technical Challenges - Digitizing the SIM Collection



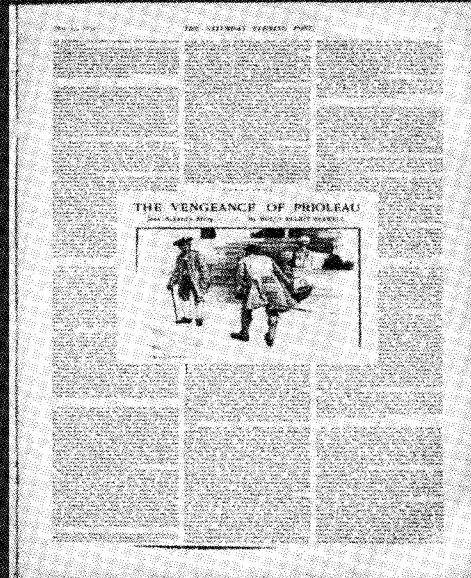
Legal Challenges - Copyright Term and Limitations

[illegible]

2

- [illegible]

Works in the Public Domain, but Paywalled



Policy Challenges: Advocating for Openness & Flexibility

